

In proceedings for a Reorganization  
Under Chapter 11.  
Case Nos. 82 B 11656,  
82 B 11657, 82 B 11660,  
82 B 11661, 82 B 11665 through  
82 B 11673 inclusive,  
82 B 11675, 82 B 11676 (BRL)

On August 27, 2004, Chubb Indemnity Insurance Company (“Chubb”), Continental Casualty Company (“Continental”), and OneBeacon America Insurance Company (“One Beacon”) each filed Notices of Appeal from certain rulings of the United States Bankruptcy Court for the Southern District of New York (*Hon. Burton R. Lifland, Judge*) (“Court”) in the above-captioned matter, to the United States District Court for the Southern District of New York. On the same date, a Motion to Amend Findings and for a New Trial (“Rule 59 Motion”) was filed by the Asbestos Personal Injury Plaintiffs and Cascino Asbestos

Claimants (collectively, “Objecting Claimants”). The Objecting Claimants subsequently filed a Notice of Appeal on September 2, 2004. Designations of items to be included in the record on appeal were filed by Chubb and Continental on September 7, 2004, by the Objecting Claimants on September 10, 2004, and by One Beacon on September 14, 2004. The Court denied the Rule 59 Motion by ruling dated September 16, 2004.

Although appellants’ designations were prematurely filed given the then-pendency of the Rule 59 Motion (which is a motion of the type set out in Fed. R. Bankr. P. 8002(b)), *see* Fed. R. Bankr. P. 8006,<sup>1</sup> The Travelers Indemnity Company and Travelers Casualty and Surety Company (formerly The Aetna Casualty and Surety Company) and Travelers Property Casualty Corp., (collectively, “Travelers”), by its attorneys Simpson Thacher & Bartlett LLP, respectfully submits this counter-designation of additional items to be included in the record on appeal:

- A. Each item designated by any appellant (Chubb, Continental, One Beacon or the Objecting Claimants) is counter-designated as to every appeal.
- B. In addition to the forgoing, the following additional items are counter-designated as to every appeal:
  - 1. Memorandum of Law in Support of Motion to Enforce Injunction, dated July 24, 2002 (Docket No. 3437)
  - 2. Affidavit in Support of Century Indemnity Company’s Motion to Enforce, dated July 26, 2002 (Docket No. 3438)
  - 3. Application / Motion to Quash Hearing and Objections to Request for Show Cause Order, dated January 28, 2003 (Docket No. 3475)

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<sup>1</sup> At least two appellants have noted this fact. *See* Continental Designation [Doc. # 3763] at 2 (“[B]ecause [the Rule 59 Motion] is still pending, Continental’s notice of appeal has been suspended and the time for submission of designation of items for inclusion in the record . . . has not yet started to run.”); Objecting Claimants Designation [Doc. #3769] at 3 (“By virtue of Bankruptcy Rule of Procedure 8002(b), all Notices of Appeal are ineffective and, accordingly, the time for submission of designation of items for inclusion in the record . . . has not yet begun.”).

4. Notice of Appeal by Lawrence Madesksho and Eric Bogdan of Order Entered January 27, 2003 granting TRO to Travelers, dated February 25, 2003 (Docket No. 3478)
5. Designation of Record on Appeal of Supplemental Order to Show Cause dated January 27, 2003, dated March 6, 2003 (Docket No. 3480)
6. Statement of Issues on Appeal of Supplemental Order to Show Cause dated January 27, 2003, dated March 6, 2003 (Docket No. 3481)
7. Response Designation of Additional Items To Be Included In Record On Appeal, dated March 24, 2003 (Docket No. 3486)
8. Transcript of Hearing held on March 26, 2003 (Docket No. 3492)
9. Motion to Withdraw Document / Motion to Withdraw from Mediation, dated June 25, 2003 (Docket No. 3504)
10. Notice of Appeal filed by Plaintiffs listed on Exhibit D identified in the June 23, 2003 order, dated July 2, 2003 (Docket No. 3506)
11. Notice of Proposed Order and Opportunity for Hearing, dated July 22, 2003 (Docket No. 3508)
12. Motion to Authorize Century Indemnity Company's Settlement of Order, dated July 22, 2003 (Docket No. 3509)
13. Appellants' Designation of Record on Appeal, dated July 18, 2003 (Docket No. 3510)
14. Statement of Issues filed by Bruce Carter, dated July 18, 2003 (Docket No. 3511)
15. Appellee's Counter Designation of Additional Items To Be Included In The Record On Appeal, dated July 28, 2003 (Docket No. 3512)
16. Objection to Century Indemnity Company's Motion to Settle Order, dated July 29, 2003 (Docket No. 3513)
17. Notice of Hearing on Century Indemnity Company's Motion to Settle Order, dated August 14, 2003 (Docket No. 3521)
18. Motion to Authorize Century Indemnity Company's Reply Memorandum in Support of Its Motion to Settle Order, dated August 14, 2003 (Docket No. 3522)
19. Response to Motion, dated August 19, 2003 (Docket No. 3524)
20. Motion to Join Lawrence Madeksho's and Eric Bogdan's Motion to Withdraw from Mediation, dated September 4, 2003 (Docket No. 3533)
21. Transcript of Hearing held on August 27, 2003 (Docket No. 3534)

22. Motion for Status Conference filed by Eric W. Sleeper on behalf of Plaintiffs with claims listed in Exhibit A to June 19, 2002 Order to Show Cause, dated September 25, 2003 (Docket No. 3539)
23. Hon. Mario M. Cuomo's Response to Motion of Texas Common Law Plaintiffs to Withdraw from Mediation, dated October 2, 2003 (Docket No. 3543)
24. Transcript of Hearing held on October 2, 2003 (Docket No. 3546)
25. Minute Order Denying Motion to Disqualify the Mediator as per Record of Hearing, dated November 19, 2003 (Docket No. 3548)
26. Minute Order: Restraining Order, as Modified by this Court Previously, Remains in Effect Until March 15, 2004; Trial Date to be held on March 15, 2004 (Docket No. 3549)
27. Appellee's Supplemental Counter Designation, dated December 2, 2003 (Docket No. 3550)
28. Transcript of hearing held on 11/19/2003 (Docket No. 3552)
29. Supplemental Motion to Authorize Century Indemnity Co.'s Motion to Enforce Injunction, dated February 3, 2004 (Docket No. 3553)
30. Response to Motion to Enforce Injunction, dated February 17, 2004 (Docket No. 3554)
31. Reply Motion to Authorize Century Indemnity Company's Supplemental Motion to Enforce Injunction, dated March 5, 2004 (Docket No. 3557)
32. Scheduling Order (A) Establishing Hearing on Motion to Approve Settlement of Statutory Direct Action Claims, and Certain Related Procedures, and (B) Approving Form and Manner of the Related Notices, dated March 24, 2004 (Docket No. 3560)
33. Declaration of David T. Austern, Esq. In Support of Joint Motion for Schedule and Notice Approval Order with Exhibits, dated March 24, 2004 (Docket No. 3562)
34. Amended Scheduling Order signed on 3/30/2004 (A) Establishing Hearing on Motion to Approve Settlement of Statutory Direct Action Claims, and Certain Related Procedures, and (B) Approving Form and Manner of the Related Notices, dated March 30, 2004 (Docket No. 3569)
35. Scheduling Order signed on 4/1/2004 Establishing (I) Hearing on Motion For The Enforcement Of Injunctions Contained In Confirmation Order And (II) Certain Related Procedures, dated April 1, 2004 (Docket No. 3570)

36. Notice of Hearing Regarding Century Indemnity Company's Motion for an Order Interpreting and Enforcing the Confirmation Order Including the Insurance Settlement Order and Channeling Injunction, dated April 5, 2004 (Docket No. 3573)
37. Motion to Authorize Century Indemnity Company's Motion for an Order Interpreting and Enforcing the Confirmation Order Including the Insurance Settlement Order and Channeling, dated April 5, 2004 (Docket No. 3574)
38. Amended Scheduling Order signed on 4/6/2004 Establishing (I) Hearing on Motion For The Enforcement Of Injunctions Contained In Confirmation Order And (II) Certain Related Procedures, dated April 6, 2004 (Docket No. 3577)
39. Transcript of Hearing held on March 15, 2004 (Docket No. 3582)
40. Common Law Plaintiffs' Witness and Exhibit Lists, dated April 23, 2004 (Docket No. 3591)
41. Opposition of Travelers to the Common Law Plaintiffs' Motion to Extend the Discovery Deadlines and Postpone the Hearing, dated April 26, 2004 (Docket No. 3595)
42. Notice of Hearing on Travelers' Motion to Strike Common Law Plaintiffs' Witness and Exhibit Lists, dated April 27, 2004 (Docket No. 3598)
43. Motion to Strike Common Law Plaintiffs' Witness and Exhibit Lists, dated April 27, 2004 (Docket No. 3599)
44. Opposition Brief of Century Indemnity Company to Joint Objection of Common-Law Plaintiffs and Joint Motion of Common-Law Plaintiffs to Extend, dated April 27, 2004 (Docket No. 3602)
45. Status Conference Statement of Selected Counsel for the Beneficiaries of the Manville Trust for an Order Interpreting and Enforcing the Confirmation Order Including the Insurance Settlement Order and Channeling Injunction, dated April 27, 2004 (Docket No. 3604)
46. Motion to Join Travelers Motion to Strike Common Law Plaintiffs' Witness and Exhibit Lists, dated April 28, 2004 (Docket No. 3605)
47. Motion to Strike Notice of Motion and Motion In Limine of Selected Counsel for the Beneficiaries of the Manville Trust for an Order Excluding Expert Report and Testimony of Professor George Priest, dated April 29, 2004 (Docket No. 3611)
48. Motion to Strike Memorandum in Support of Motion In Limine of Selected Counsel for the Beneficiaries of the Manville Trust for an Order Excluding Expert Report and Testimony of Professor George Priest, dated April 29, 2004 (Docket No. 3612)
49. Transcript of Hearing held on April 28, 2004 (Docket No. 3617)

50. Transcript of Hearing held on May 5, 2004 (Docket No. 3621)
51. Notice of Withdrawal of objection to proposed settlement of statutory direct actions, dated May 19, 2004 (Docket No. 3623)
52. Transcript of Hearing held on May 24, 2004 (Docket No. 3626)
53. Scheduling Order signed on 6/3/2004 (A) Establishing (I) Hearing on Motion to Approve Settlement of Hawaii Direct Action Claims, and (II) Certain Related Procedures, and (B) Approving Form and Manner of the Related Notices, dated June 4, 2004 (Docket No. 3628)
54. Letter Concerning Travelers Settlement / Matters Set For Hearing On July 6, 2004, dated June 24, 2004 (Docket No. 3647)
55. Objection filed by Lance Roger Spodek on behalf of Luther Jewel, dated June 28, 2004 (Docket No. 3660)
56. Objection of Selected Counsel for the Beneficiaries of the Manville Trust to Proposed Hawaii Direct Action Settlement Agreement Settlement and Proposed Clarifying Order, dated June 28, 2004 (Docket No. 3669)
57. Motion in Limine of Selected Counsel for the Beneficiaries of the Manville Trust for an Order Excluding the Expert Reports and Testimony of Professor George Priest, dated June 28, 2004 (Docket No. 3672)
58. Exhibit and Witness List of Selected Counsel for the Beneficiaries of the Manville Trust, dated June 28, 2004 (Docket No. 3673)
59. Status Conference Statement of Travelers for the July 6 and 7 Hearing on Travelers Motion to Approve Settlement of Certain Direct Action Claims, dated June 29, 2004 (Docket No. 3681)
60. Letter to the Honorable Burton R. Lifland, dated July 14, 2004 (Docket No. 3707)
61. Century Indemnity Company's Proposed Findings of Fact and Conclusions of Law in Support of its Objections to Statutory, Common Law, and Hawaii Direct Action Settlement Agreements, dated July 15, 2004 (Docket No. 3709)
62. Motion to Reconsider Exclusion of Witnesses, dated July 15, 2004 (Docket No. 3715)
63. Letter to the Honorable Burton R. Lifland, dated July 19, 2004 (Docket No. 3726)
64. Letter to the Honorable Burton R. Lifland, dated July 20, 2004 (Docket No. 3728)
65. Letter Regarding Proposed Orders In Travelers' Settlements, dated July 20, 2004 (Docket No. 3729)
66. Letter to the Hon. Burton R. Lifland, dated August 16, 2004 (Docket No. 3746)

67. Letter to the Hon. Burton R. Lifland, dated August 16, 2004 (Docket No. 3747)
68. Letter to the Hon. Burton R. Lifland, dated August 16, 2004 (Docket No. 3748)
69. Notice of Appeal filed by Bradley J. Mortensen on behalf of OneBeacon America Insurance Company, dated August 27, 2004 (Docket No. 3760)
70. Appellant's Designation of Record, dated September 7, 2004 (Docket No. 3763)
71. Appellant's Statement of Issues on Appeal, dated September 7, 2004 (Docket No. 3764)
72. Response to Rule 59 Motion, dated September 8, 2004 (Docket No. 3767)
73. Appellant's Designation of Record, dated September 10, 2004 (Docket No. 3769)
74. Appellant's Statement of Issues on Appeal, dated September 10, 2004 (Docket No. 3770)
75. Appellant's Designation of Record, dated September 14, 2004 (Docket No. 3772)
76. Appellant's Statement of Issues on Appeal, dated September 14, 2004 (Docket No. 3773)
77. Decision and Order Denying Claimants' Rule 59 Motion, dated September 16, 2004 (Docket No. 3775)

Pursuant to Bankr. S.D.N.Y. R. 8007-1(a), and in light of the fact that the record on each appeal is identical given Travelers counter-designations above, attached hereto as an appendix is a complete set of items comprising the record on appeal. Each document listed in the appendix is being transmitted to the Clerk (as a single set) in accordance with Bankr. S.D.N.Y. R. 8007-1(a), with this set comprising the record on appeal.

Finally, pursuant to Rule 15 of the Rules for the Division of Business Among District Judges of the Southern and Eastern Districts, Travelers respectfully submits that the four appeals should be assigned to the same District Judge for consolidated consideration and disposition. Each appeal challenges the same rulings: the Court's Order Approving Settlement of the Statutory, Hawaii, and Common Law Direct Actions and Clarifying Confirmation Order, Including Insurance Settlement Order and Channeling Injunction, dated August 17, 2004, and the

accompanying Findings of Fact and Conclusions of Law Regarding Travelers Motions for Approval of Certain Settlement Agreements and for Entry of a Clarifying Order, dated August 17, 2004 (collectively, "August 17th Rulings"). Inasmuch as each appeal challenges, *inter alia*, the Court's subject matter jurisdiction to enter the August 17th Rulings, divergent appellate rulings on this core issue would be impossible to reconcile. Further, the factual and legal record supporting the August 17th Rulings is identical as to all appellants, and the issues presented for appeal are essentially the same.

Dated: New York, New York  
September 17, 2004

SIMPSON THACHER & BARTLETT LLP

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**Appendix**

1. Order to Show Cause for Temporary Restraining Order and Preliminary Injunction, dated June 19, 2002 (Docket No. 3412)
2. Memorandum of Law in Support of Order to Show Cause, dated June 18, 2004 (Docket No. 3421)
3. Affidavit of Barry Ostrager, dated June 18, 2002 (Docket No. 3422)
  - Exhibit A: Travelers Indemnity Settlement Agreement, dated July 18, 1984
  - Exhibit B: Aetna Settlement Agreements, dated November 22, 1985 and March 26, 1986
  - Exhibit C: Order dated September 28, 1988
  - Exhibit D: Order dated December 18, 1986
  - Exhibit E: Order dated January 14, 1987
  - Exhibit F: Confirmation Order, dated December 22, 1986
  - Exhibit G: Manville Trust Agreement, dated November 28, 1988
  - Exhibit H: Manville Second Amended and Restated Plan of Reorganization
  - Exhibit I: Complaint in *Fredrick F. Serra v. A.W. Chesterton Co.*
  - Exhibit J: Complaint in *In re Asbestos Personal Injury Litigation Mass Litigation Panel*
  - Exhibit K: Complaint in *Meninger v. The Travelers Casualty and Surety Co.*
  - Exhibit L: Complaint in *Wise v. Travelers Indemnity Co.*; Exhibit M: Complaint in *Sorrells v. Asbestos Corp. Ltd.*
  - Exhibit N: Complaint in *Lester Boudreaux v. Garlock Inc.*
  - Exhibit O: Complaint in *Agnes Cashman v. Travelers Indemnity Co.*
  - Exhibit P: Complaint in *Ciaccio v. A.C.&S., Inc.*
  - Exhibit Q: Complaint in *Bourgeois v. Asbestos Corp. Ltd.*
  - Exhibit R: Complaint in *Young v. Asbestos Corp. Ltd.*

4. Letter regarding Temporary Restraining Order and Preliminary Injunction obtained by Travelers Insurance Co., dated June 21, 2002 (Docket No. 3424)
5. So Ordered Stipulation signed on 7/2/2002 (Docket No. 3425)
6. Response to Travelers Request For Preliminary Injunction, dated July 10, 2002 (Docket No. 3426)
7. Response to Order to Show Cause, dated July 10, 2002 (Docket No. 3427)
8. Objection to Motion of Plaintiffs with claims listed in Exhibit A to Court's June 19, 2002 Order to Show Cause, dated July 10, 2002 (Docket No. 3428)
9. Plaintiffs' Objection Motion for Temporary Restraining, dated July 10, 2002 (Docket No. 3430)
10. Memorandum Decision, dated July 22, 2002 (Docket No. 3434)
11. Application / Motion to Enforce Injunction filed by Andrew H. Marks on behalf of Century Indemnity Company, dated July 24, 2002 (Docket No. 3436)
12. Memorandum of Law in Support of Motion to Enforce Injunction, dated July 24, 2002 (Docket No. 3437)
13. Affidavit in Support of Century Indemnity Company's Motion to Enforce, dated July 26, 2002 (Docket No. 3438)
14. Reply Memorandum of Law in Further Support of Order to Show Cause, dated July 24, 2002 (Docket No. 3439)
15. Affidavit of Andrew T. Frankel, dated July 26, 2002 (Docket No. 3440)
  - Exhibit A: Comprehensive General Liability Policy Number SJG2268800
  - Exhibit B: Plaintiffs' Memo to Refer to the Mass Litigation Panel in *Meninger v. The Travelers Casualty and Surety Co.*
  - Exhibit C: Plaintiffs' Memo to Remand in *Wise v. Travelers Indemnity Co.*
  - Exhibit D: Plaintiffs' Memo in Opposition to Motion to Dismiss in *Wise v. Travelers Indemnity Co.*
  - Exhibit E: Letter dated November 21, 2001 from Michael P. Thornton on behalf of Agnes Cashman to Travelers Indemnity Co.
  - Exhibit F: Complaint in *Denver E. Adkins v. AcandS Inc.*

- Exhibit G: Memo entitled “Asbestos Dust Hazards” from H.W. Rapp, dated August 12, 1969
- Exhibit H: Affidavit of Thomas W. Henderson, dated November 14, 1983
- Exhibit I: Complaint in *Sherman A. Searls, Jr. v. Owens-Corning Fiberglas*
- Exhibit J: Memo entitled “Asbestos and Cancer” from Alan K. Dun, M.D., dated November 16, 1966
- Exhibit K: Memo entitled “Johns-Manville Corporation” from M.J. Bright, dated October 26, 1964
- Exhibit L: Draft memo entitled “Asbestos – Compensation and Liability” from T.A. Jackson, dated October 21, 1975
- Exhibit M: Memo entitled “Asbestos” from Frank M. Devney, dated June 18, 1975
- Exhibit N: Memo entitled “Asbestos – General Liability Catastrophe Exposure” from Frank M. Devney, dated September 19, 1975
- Exhibit O: Memo entitled “Catastrophe Products Committee – Asbestos” from T.A. Jackson, dated October 22, 1975
- Exhibit P: Letter entitled “Re: Asbestos Health Cases/Mobile, Alabama and Mississippi” from Dennis H. Markusson, dated January 26, 1981
- Exhibit Q: Document entitled “Clifford Sheckler – Addendum” distributed during the May 1980 Asbestos Litigation Seminar at Johns-Manville headquarters
- Exhibit R: Agenda of the May 1980 Asbestos Litigation Seminar at Johns-Manville headquarters
- Exhibit S: Document entitled “Defense Conference Asbestos Litigation Seminar – March, 1980” distributed at Captiva Island;
- Exhibit T: Bell, *Asbestos Litigation and Judicial Leadership*, Mealey’s Litig. Reporter, Vol. 17 No. 10 (June 21, 2002)
- Exhibit U: American Academy of Actuaries, *Overview of Asbestos Issues and Trends* (Dec. 2001)
- Exhibit V: Warren, *As Asbestos Mess Spreads, Sickest See Payouts Shrink*, Wall St. J. (Apr. 25 2002)

- Exhibit W: Berensen, *A Surge in Asbestos Suits, Many by Healthy Plaintiffs*, N.Y. Times (Apr. 10, 2002)
  - Exhibit X: Parloff, *Asbestos, The \$200 Billion Miscarriage of Justice*, Fortune (Mar. 4, 2002)
  - Exhibit Y: Roston, *The Asbestos Pit*, Time (Mar. 3, 2002)
  - Exhibit Z: Mealey's Asbestos Bankruptcy Reporter, Vol. 1 No. 11 (June 2002)
  - Exhibit AA: *In re Joint Eastern and Southern Districts Asbestos Litig.*, NYAL Index No. 4000, slip op. (Nov. 7, 2001)
16. Affidavit of Professor George L. Priest, dated July 29, 2002 (Docket No. 3442)
  17. Motion to Strike The Affidavit of Professor George L. Priest, dated July 31, 2002 (Docket No. 3445)
  18. Order signed on 8/1/2002 Referring Matter to Mediation and Appointing Mediator (Docket No. 3446)
  19. Order of Hon. Jack Weinstein signed 7/29/02 Referring Motion for an Order of Discharge to Hon. Burton R. Lifland (Docket No. 3447)
  20. Transcript of Hearing held August 1, 2002 (Docket No. 3451)
  21. Memorandum of Law in Support of Supplemental Order to Show Cause, dated January 23, 2003 (Not Reflected On Docket)
  22. Supplemental Affidavit of Andrew T. Frankel in Support of Supplemental Order to Show Cause, dated January 23, 2003 (Not Reflected On Docket)
    - Exhibit A: Order to Show Cause dated June 16, 2002
    - Exhibit B: Stipulation dated July 2, 2002
    - Exhibit C: Order dated August 1, 2002
    - Exhibit D: Complaint in *Harold Barron, et al. v. ACandS, Inc., et al.*
    - Exhibit E: Complaint in *Jesus A. Bazan, et al. v. ACandS, Inc., et al.*
    - Exhibit F: Complaint in *Tom Boson, et al., v. Union Carbide Corporation, d/b/a Union Carbide, et al.*
    - Exhibit G: Complaint in *McKinley Darden, Jr., et al. v. Combustion Engineering, Inc., et al.*

- Exhibit H: List of cases in Nueces County filed by Eric Bogdan
  - Exhibit I: Emails dated January 10, January 14, January 17 and January 22, 2003 between Andrew Frankel and Eric Bogdan
  - Exhibit J: Complaint in *Delia Abrego, Individually, and as Representative of the Estate of Juan C. Abrego, et al. v. Owens-Corning Fiberglas Corp., et al.*
  - Exhibit K: Complaint in *Juan L. Aguilar, et al. v. Owens-Corning Fiberglas Corp., et al.*
  - Exhibit L: Complaint in *Maximino R. Aleman, et al. v. AC and S, Inc., et al.*
  - Exhibit M: Complaint in *Victor M. Alvarado, et al. v. Owens-Corning Fiberglas Corp., et al.*
  - Exhibit N: Complaint in *Ruben Alvear, et al. v. Owens-Corning Fiberglas Corp., et al.*
  - Exhibit O: Complaint in *Jerry Baros, et al. v. Owens-Corning Fiberglas Corp., et al.*
  - Exhibit P: Complaint in *Carlos A. Colunga, et al. v. ACandS, Inc., et al.*
  - Exhibit Q: Complaint in *Reynaldo F. Morales, et al. v. Owens-Corning Fiberglas Corp., et al.*
  - Exhibit R: Complaint in *Jose L. Nunez, et al. v. ACandS, Inc., et al.*
  - Exhibit S: Letter dated January 13, 2003 from Anderew T. Frankel to Lawrence Madeksho
  - Exhibit T: Complaint in *Boris Katz, et al. v Garlock, Inc., et al.*
  - Exhibit U: Letter dated January 10, 2003 from Andrew T. Frankel to Lisa Clark
  - Exhibit V: Letter dated January 20, 2003 from Patrick N. Haines to Andrew T. Frankel
  - Exhibit W: Letters dated January 22, 2003 from Andrew T. Frankel to Lawrence Madeksho and Patrick N. Haines
23. Response Memorandum by Lawrence Madeksho to Travelers Indemnity Company and Travelers Casualty and Surety Company January 23, 2003 Supplemental Motion to Show Cause, dated January 27, 2003 (Docket No. 3473)
24. Supplemental Order to Show Cause signed on January 27, 2003 (Docket No. 3474)

25. Application / Motion to Quash Hearing and Objections to Request for Show Cause Order, dated January 28, 2003 (Docket No. 3475)
26. Notice of Appeal by Lawrence Madeksho and Eric Bogdan of Order Entered January 27, 2003 granting TRO to Travelers, dated February 25, 2003 (Docket No. 3478)
27. Designation of Record on Appeal of Supplemental Order to Show Cause dated January 27, 2003, dated March 6, 2003 (Docket No. 3480)
28. Statement of Issues on Appeal of Supplemental Order to Show Cause dated January 27, 2003, dated March 6, 2003 (Docket No. 3481)
29. Response Designation of Additional Items To Be Included In Record On Appeal, dated March 24, 2003 (Docket No. 3486)
30. Motion to Dismiss Case, dated March 26, 2003 (Docket No. 3489)
31. Transcript of Hearing held March 26, 2003 (Docket No. 3492)
32. Motion for Temporary Restraining Order with Proposed Order to Show Cause, Second Supplemental Affidavit of Andrew T. Frankel, and Memorandum of Law in Support of Second Supplemental Order to Show Cause, dated June 20, 2003 (Docket No. 3498)
  - Exhibit A: First Supplemental Affidavit of Andrew T. Frankel in Support of Supplemental Order to Show Cause dated January 22, 2003, without voluminous exhibits
  - Exhibit B: January 27, 2003 Supplemental Order to Show Cause
  - Exhibit C: Complaint in *Yvonne Varner v. Ford Motor Co., et al.*, No. CV03501703 (Ct. of Common Pleas, Cuyahoga County, Ohio)
  - Exhibit D: Plaintiffs' Motion for Leave to Amend All Bevan Cases to Include a Newly Discovered Cause of Action Against New Party Defendant Insurance Companies
  - Exhibit E: Complaint *Paul Abernathy v. BF Goodrich Co. et al*, No. CV01439209 (Ct. of Common Pleas, Cuyahoga County, Ohio)
  - Exhibit F: Complaint *Gloria Adkins v. Goodyear Tire & Rubber Co.*, No. CV03502612 (Ct. of Common Pleas, Cuyahoga County, Ohio)
  - Exhibit G: *Billy Roger Gillette v. Durabla Manufacturing Co. et al.*, No. CV01439209 (Ct. of Common Pleas, Cuyahoga County, Ohio)
33. Second Supplemental Order to Show Cause signed on 6/24/2003 extending preliminary injunction (Docket No. 3501)

34. Opposition Brief, dated June 23, 2003 (Docket No. 3503)
35. Motion to Withdraw Document / Motion to Withdraw from Mediation, dated June 25, 2003 (Docket No. 3504)
36. Transcript of Hearing held June 24, 2003 (Docket No. 3505)
37. Notice of Appeal filed by Plaintiffs listed on Exhibit D identified in the June 23, 2003 order, dated July 2, 2003 (Docket No. 3506)
38. Notice of Proposed Order and Opportunity for Hearing, dated July 22, 2003 (Docket No. 3508)
39. Motion to Authorize Century Indemnity Company's Settlement of Order, dated July 22, 2003 (Docket No. 3509)
40. Appellants' Designation of Record on Appeal, dated July 18, 2003 (Docket No. 3510)
41. Statement of Issues filed by Bruce Carter, dated July 18, 2003 (Docket No. 3511)
42. Appellee's Counter Designation of Additional Items To Be Included In The Record On Appeal, dated July 28, 2003 (Docket No. 3512)
43. Objection to Century Indemnity Company's Motion to Settle Order, dated July 29, 2003 (Docket No. 3513)
44. Motion to Stay Plaintiffs and counsel listed in the lawsuits set forth in the annexed Exhibit "A" from proceeding against OneBeacon, dated August 14, 2003 (Docket No. 3517)
45. Memorandum of Law in support of Motion by OneBeacon Insurance Company to stay or enjoin actions against OneBeacon, dated August 14, 2003 (Docket No. 3518)
46. Notice of Hearing on Century Indemnity Company's Motion to Settle Order, dated August 14, 2003 (Docket No. 3521)
47. Motion to Authorize Century Indemnity Company's Reply Memorandum in Support of Its Motion to Settle Order, dated August 14, 2003 (Docket No. 3522)
48. Opposition of the Plaintiffs to OneBeacon America Insurance Company's Motion to Enforce Injunction, dated August 18, 2003 (Docket No. 3523)
49. Response to Motion, dated August 19, 2003 (Docket No. 3524)
50. Reply Memorandum of Law in Support of Motion to Enforce Injunction, dated August 26, 2003 (Docket No. 3525)
51. Supplemental Declaration of John F. O'Connor in Support of Motion to Enforce Injunction, dated August 26, 2003 (Docket No. 3526)

52. Motion to Join Lawrence Madeksho's and Eric Bogdan's Motion to Withdraw from Mediation, dated September 4, 2003 (Docket No. 3533)
53. Transcript of Hearing held August 27, 2003 (Docket No. 3534)
54. Supplemental Response to Motion of OneBeacon America Insurance Company in support of its Motion to Enforce Injunction with respect to certain Texas and Ohio Suits, dated September 11, 2003 (Docket No. 3535)
55. Supplemental Response to Motion of OneBeacon Insurance Company in Support of its Motion to Enforce Injunction with respect to Certain West Virginia and Massachusetts Suits, dated September 11, 2003 (Docket No. 3537)
56. Motion for Status Conference filed by Eric W. Sleeper on behalf of Plaintiffs with claims listed in Exhibit A to June 19, 2002 Order to Show Cause, dated September 25, 2003 (Docket No. 3539)
57. Response / Reply to OneBeacons' Supplemental Response in Support of OneBeacons' Motion to Enforce Injunction, dated September 26, 2003 (Docket No. 3540)
58. Response / Reply to OneBeacon American Insurance Company's Supplemental Response to its Motion to Enforce Injunction, dated September 26, 2003 (Docket No. 3541)
59. Hon. Mario M. Cuomo's Response to Motion of Texas Common Law Plaintiffs to Withdraw from Mediation, dated October 2, 2003 (Docket No. 3543)
60. Transcript of Hearing held October 2, 2003 (Docket No. 3546)
61. Minute Order Denying Motion to Disqualify the Mediator as per Record of Hearing, dated November 19, 2003 (Docket No. 3548)
62. Minute Order: Restraining Order, as Modified by this Court Previously, Remains in Effect Until March 15, 2004; Trial Date to be held on March 15, 2004 (Docket No. 3549)
63. Appellee's Supplemental Counter Designation, dated December 2, 2003 (Docket No. 3550)
64. Transcript of hearing held November 19, 2003 (Docket No. 3552)
65. Supplemental Motion to Authorize Century Indemnity Co.'s Motion to Enforce Injunction, dated February 3, 2004 (Docket No. 3553)
66. Response to Motion to Enforce Injunction, dated February 17, 2004 (Docket No. 3554)



67. Reply Motion to Authorize Century Indemnity Company's Supplemental Motion to Enforce Injunction, dated March 5, 2004 (Docket No. 3557)
68. Scheduling Order (A) Establishing Hearing on Motion to Approve Settlement of Statutory Direct Action Claims, and Certain Related Procedures, and (B) Approving Form and Manner of the Related Notices, dated March 24, 2004 (Docket No. 3560)
69. Declaration of David T. Austern, Esq. In Support of Joint Motion for Schedule and Notice Approval Order with Exhibits, dated March 24, 2004 (Docket No. 3562)
70. Notice of Hearing of Motion of Travelers For an Order Interpreting and Enforcing the Confirmation Including the Insurance Settlement Order and Channeling Injunction, dated March 26, 2004 (Docket No. 3564)
71. Motion by Travelers For an Order Interpreting and Enforcing the Confirmation Including the Insurance Settlement Order and Channeling Injunction (with exhibits), dated March 26, 2004 (Docket No. 3565)
72. Motion to Approve Compromise, dated March 29, 2004 (Docket No. 3566)
73. Notice of Motion to Set Hearing of Travelers' Motion to Approve Statutory Direct Action Settlement Agreement, dated March 29, 2004 (Docket No. 3567)
74. Motion to Approve Statutory Direct Action Settlement Agreement, dated March 29, 2004 (Docket No. 3568)
75. Amended Scheduling Order (A) Establishing Hearing on Motion to Approve Settlement of Statutory Direct Action Claims, and Certain Related Procedures, and (B) Approving Form and Manner of the Related Notices, dated March 30, 2004 (Docket No. 3569)
76. Scheduling Order signed Establishing (I) Hearing on Motion For The Enforcement Of Injunctions Contained In Confirmation Order And (II) Certain Related Procedures, dated April 1, 2004 (Docket No. 3570)
77. Notice of Hearing Regarding Century Indemnity Company's Motion for an Order Interpreting and Enforcing the Confirmation Order Including the Insurance Settlement Order and Channeling Injunction, dated April 5, 2004 (Docket No. 3573)
78. Motion to Authorize Century Indemnity Company's Motion for an Order Interpreting and Enforcing the Confirmation Order Including the Insurance Settlement Order and Channeling, dated April 5, 2004 (Docket No. 3574)
79. Amended Scheduling Order Establishing (I) Hearing on Motion For The Enforcement Of Injunctions Contained In Confirmation Order And (II) Certain Related Procedures, dated April 6, 2004 (Docket No. 3577)

80. Motion to Interpret and Enforce the Confirmation Order Including the Insurance Settlement Order and Channeling Injunction (with exhibits), dated April 7, 2004 (Docket No. 3578)
81. Century Indemnity Company's Brief in Support of its Motion for an Order Interpreting and Enforcing the Confirmation Order Including the Insurance Settlement Order and Channeling Injunction, dated April 9, 2004 (Docket No. 3579)
82. Memorandum of Law in Support of Its Motion for an Order Interpreting and Enforcing the Confirmation Order Including the Insurance Settlement Order and Channeling Injunction, dated April 9, 2004 (Docket No. 3581)
83. Transcript of Hearing held March 15, 2004 (Docket No. 3582)
84. Objection to Motion, dated April 14, 2004 (Docket No. 3584)
85. Memorandum of Law of Statutory Direct Action Plaintiffs in Support of their Motion Approving a Settlement Agreement with Travelers, dated April 16, 2004 (Docket No. 3586)
86. Memorandum of Law In Support of Its Motion for An Order Approving the Statutory Settlement Motion, dated April 16, 2004 (Docket No. 3587)
87. Joint Objection to Motion Joint Objection of the Selected Counsel for the Beneficiaries of the Manville Trust and the legal Representative of the Future Claimants to Proposed Settlement of Statutory Direct Actions and Proposed Clarifying Order, dated April 23, 2004 (Docket No. 3588)
88. Response to Motion For Orders Interpreting and Enforcing the Confirmation Order, dated April 23, 2004 (Docket No. 3589)
89. Motion to Extend Time for Discovery Deadlines and the Date for Hearing of the Motions of Certain Insurers – Including Travelers, Century, and One Beacon – For Orders Interpreting and Enforcing the Confirmation Order, dated April 21, 2004 (Docket No. 3590)
90. Common Law Plaintiffs' Witness and Exhibit Lists, dated April 23, 2004 (Docket No. 3591)
91. Notice of Motion to Set Hearing by Continental Casualty Company for an Order Interpreting and Enforcing the Confirmation Order, dated April 26, 2004 (Docket No. 3593)
92. Opposition of Travelers to the Common Law Plaintiffs' Motion to Extend the Discovery Deadlines and Postpone the Hearing, dated April 26, 2004 (Docket No. 3595)

93. Notice of Hearing on Travelers' Motion to Strike Common Law Plaintiffs' Witness and Exhibit Lists, dated April 27, 2004 (Docket No. 3598)
94. Motion to Strike Common Law Plaintiffs' Witness and Exhibit Lists, dated April 27, 2004 (Docket No. 3599)
95. Opposition to the Common Law Plaintiffs' Motion to Extend the Discovery Deadlines and Postpone the Hearing, dated April 27, 2004 (Docket No. 3600)
96. Status Conference Statement of Travelers for the Hearing on Motion for an Order Interpreting and Enforcing the Confirmation Order Including the Insurance Settlement Order and Channeling Injunction, dated April 27, 2004 (Docket No. 3601)
97. Opposition Brief of Century Indemnity Company to Joint Objection of Common Law Plaintiffs and Joint Motion of Common Law Plaintiffs to Extend, dated April 27, 2004 (Docket No. 3602)
98. Status Conference Statement of Selected Counsel for the Beneficiaries of the Manville Trust for an Order Interpreting and Enforcing the Confirmation Order Including the Insurance Settlement Order and Channeling Injunction, dated April 27, 2004 (Docket No. 3604)
99. Motion to Join Travelers Motion to Strike Common Law Plaintiffs' Witness and Exhibit Lists, dated April 28, 2004 (Docket No. 3605)
100. Objection to Motion to Approve Statutory Direct Action Settlement Agreement, dated April 28, 2004 (Docket No. 3607)
101. Response to Motion of Travelers to Approve the Statutory Direct Action Settlement Agreement, dated April 29, 2004 (Docket No. 3609)
102. Objection / Joinder of Continental Casualty Company in Century Indemnity Company's Objections to Statutory Direct Action Settlement Agreement, dated April 29, 2004 (Docket No. 3610)
103. Motion to Strike Notice of Motion and Motion In Limine of Selected Counsel for the Beneficiaries of the Manville Trust for an Order Excluding Expert Report and Testimony of Professor George Priest, dated April 29, 2004 (Docket No. 3611)
104. Motion to Strike Memorandum in Support of Motion In Limine of Selected Counsel for the Beneficiaries of the Manville Trust for an Order Excluding Expert Report and Testimony of Professor George Priest, dated April 29, 2004 (Docket No. 3612)
105. Transcript of Hearing held April 28, 2004 (Docket No. 3617)
106. Notice of Adoption by The Ohio Common Law Plaintiffs of Joint Objection of Selected Counsel for the Beneficiaries of the Manville Trust and the Legal

- Representative of the Future Claimants to Proposed Settlement of Statutory Direct Actions and Proposed Clarifying Order, dated May 4, 2004 (Docket No. 3618)
107. Notice of Adoption by The Common Law Plaintiffs of the Motion in Limine of Selected Counsel for the Beneficiaries of the Manville Trust for an Order Excluding Expert Report and Testimony of Professor George Priest, dated May 4, 2004 (Docket No. 3619)
  108. Transcript of Hearing held May 5, 2004 (Docket No. 3621)
  109. Notice of Withdrawal of objection to proposed settlement of statutory direct actions, dated May 19, 2004 (Docket No. 3623)
  110. Amended Scheduling Order (a) Establishing Hearing on Motion to Approve Settlement of Common Law Direct Action Claims, and Certain Related Procedures, and (b) Approving Form and Manner of the Related Notices, dated May 24, 2004 (Docket No. 3624)
  111. Transcript of Hearing held May 24, 2004 (Docket No. 3626)
  112. Motion to Approve the Hawaii Settlement Agreement between Travelers and Certain Plaintiffs, dated May 28, 2004 (Docket No. 3627)
  113. Scheduling Order (A) Establishing (I) Hearing on Motion to Approve Settlement of Hawaii Direct Action Claims, and (II) Certain Related Procedures, and (B) Approving Form and Manner of the Related Notices, dated June 4, 2004 (Docket No. 3628)
  114. Memorandum of Law of the Hawaii Plaintiffs In Support of Their Motion Approving the Hawaii Settlement Agreement with Travelers, dated June 7, 2004 (Docket No. 3629)
  115. Notice of Motion to Set Hearing on Motion to Approve the Common Law Direct Action Settlement Agreement, dated June 7, 2004 (Docket No. 3630)
  116. Notice of Hearing Of Travelers Motion to Approve the Common Law Direct Action Settlement Agreement (with Exhibit A Common Law Settlement Agreement), dated June 7, 2004 (Docket No. 3631)
  117. Letter Travelers Witness List for the Joint Hearing on Motions to: (I) Approve Settlement of Statutory Direct Claims and Entry of Clarifying Order; and (II) Approve Settlement of Common Law Direct Action Claims and Entry of Clarifying Order; and (III) Approve Hawaii Direct Action Settlement Agreement, dated June 7, 2004 (Docket No. 3632)
  118. Travelers Notice of Motion to Approve the Hawaii Direct Action Settlement Agreement, dated June 7, 2004 (Docket No. 3633)

119. Exhibit List Of Travelers For The Joint Hearing On Motions To: (I) Approve Settlement Of Statutory Direct Action Claims And Entry Of Clarifying Order; And (II) Approve Settlement Of Common Law Direct Action Claims And Entry Of Clarifying Order, dated June 7, 2004 (Docket No. 3634)
120. Second Amended Scheduling Order (a) Establishing Hearing on Motion to Approve Settlement of Common Law Direct Action Claims, and Certain Related Procedures, and (b) Approving Form and Manner of the Related Notices, dated June 9, 2004 (Docket No. 3635)
121. Motion to Approve the Common Law Direct Action Settlement Agreement, dated June 10, 2004 (Docket No. 3636)
122. Motion to Approve the Hawaii Direct Action Settlement Agreement, dated June 10, 2004 (Docket No. 3637)
123. Letter Concerning Travelers Settlement / Matters Set For Hearing On July 6, 2004, dated June 24, 2004 (Docket No. 3647)
124. Response to Motion (with exhibits), dated June 25, 2004 (Docket No. 3652)
125. Objection Supplemental Objection of Continental Casualty Company to Travelers' Motion to Approve the Statutory Direct Action Settlement, dated June 28, 2004 (Docket No. 3658)
126. Objection of Continental Casualty Company to Travelers' Motion to Approve the Common Law Direct Action Settlement and the Hawaii Settlement Agreement (with exhibits), dated June 28, 2004 (Docket No. 3659)
127. Objection filed by Luther Jewel, dated June 28, 2004 (Docket No. 3660)
128. Objection of Century Indemnity Company to Statutory Direct Action, Common Law Direct Action and Hawaii Direct Action Settlement Agreements, dated June 28, 2004 (Docket No. 3662)
129. Objection to Motion Limited Objection to Travelers Motion to Approve the Common Law Direct Action Settlement Agreement, dated June 28, 2004 (Docket No. 3664)
130. Objection Limited Objection of the Statutory Direct Action Plaintiffs to Travelers' Motion to Approve the Common Law Direct Action Settlement Agreement, dated June 28, 2004 (Docket No. 3665)
131. Objection to Travelers Motion To Approve The Common Law Direct Action Settlement Agreement, dated June 28, 2004 (Docket No. 3666)
132. Objection of Selected Counsel for the Beneficiaries of the Manville Trust to Proposed Hawaii Direct Action Settlement Agreement Settlement and Proposed Clarifying Order, dated June 28, 2004 (Docket No. 3669)

133. Objection of Selected Counsel for the Beneficiaries of the Manville Trust to Proposed Settlement of Common Law Actions and Proposed Clarifying Order (with exhibits), dated June 28, 2004 (Docket No. 3670)
134. Objection Renewed Objection of Selected Counsel for the Beneficiaries of the Manville Trust to Proposed Statutory Direct Action Settlement and Proposed Clarifying Order, dated June 28, 2004 (Docket No. 3671)
135. Motion in Limine of Selected Counsel for the Beneficiaries of the Manville Trust for an Order Excluding the Expert Reports and Testimony of Professor George Priest, dated June 28, 2004 (Docket No. 3672)
136. Exhibit and Witness List of Selected Counsel for the Beneficiaries of the Manville Trust, dated June 28, 2004 (Docket No. 3673)
137. Amended Response to Motion to Approve the Common Law Direct Settlement Agreement filed by Michael Cascino with Amended Exhibit E, dated June 28, 2004 (Docket No. 3675)
138. Objection to Travelers Common Law Direct Action Settlement Agreement, dated June 25, 2004 (Docket No. 3677)
139. Objection and Response to Travelers' Motion to Approve Settlement Agreement, dated June 28, 2004 (Docket No. 3678)
140. Status Conference Statement of Travelers for the July 6 and 7 Hearing on Travelers Motion to Approve Settlement of Certain Direct Action Claims, dated June 29, 2004 (Docket No. 3681)
141. Travelers Omnibus Reply Brief In Further Support Of Its Pending Motions To Approve Settlements Of (1) Statutory Direct Action Settlements (2) Common Law Direct Action Claims And (3) Hawaii Direct Action Claims And For Enrty Of Clarifying Order, dated July 1, 2004 (Docket No. 3684)
  - Exhibit A: Chart of Objections
  - Exhibit B: *In re Johns-Manville Corp.*, No. 03 Civ. 7173, slip. op. (S.D.N.Y. Mar. 2, 2004)
  - Exhibit C: "Travelers Announces Filings Of More Direct Actions," 2-7 Mealey's Asb. Bankr. Rep. 16 (Feb. 2003)
  - Exhibit D: Court Ordered Legal Notice
  - Exhibit E: Memorandum of the Trustees of The Manville Personal Injury Settlement Trust (draft dated Apr. 20, 2004)
  - Exhibit F: Manville Application, dated Aug. 2, 1984

- Exhibit G: Notice of Hearing, dated Aug. 2, 1984
142. Declaration Of Kathleen Munroe, dated July 1, 2004 (Docket No. 3685)
- Exhibit A: Comprehensive General Liability Policy Number SJG2268800
  - Exhibit B: November 19, 1978 Letter to Chairman Beach, President Budd, Senior Vice-President Hess, et al. from Thomas A. Harnett, Senior Vice-President re: Asbestos Financial Implications to the Travelers Briefing Tuesday, December 5, 1978
  - Exhibit C: August 15, 1969 Memorandum re: Liability to Installers of Asbestos Insulation
  - Exhibit D: November 24, 1969 Memorandum from George R. Cretney, Secretary, Casualty-Property Division of Claim Department re: Johns-Manville Asbestosis Claims
  - Exhibit E: May 5, 1972 Specialists Activity Report prepared by Robert Jefferys to H. Rapp
  - Exhibit F: October 29, 1953 J-M Industrial Hygiene Survey Report, Pittsburg Plant
  - Exhibit G: September 2, 1982 Memorandum from Harry Rapp, Director, Chemical, Environmental & Product Safety Unit to Jack Saunders, CP Claim re: Johns-Manville
  - Exhibit H: October 21, 1952 Travelers Engineering and Loss Control Division, Chemical Laboratory Report of Analysis and January 19, 1960 Travelers Engineering and Loss Control Division, Chemical Laboratory Report of Analysis
  - Exhibit I: August 12, 1969 Letter to Vice President Carter, Second Vice President Montgomery, Second Vice President Bright, from H.W. Rapp, Superintendent of Engineering Division re: Asbestos Dust Hazards
  - Exhibit J: October 26, 1964 Memorandum re: Johns-Manville Corporation Health Insurance Workmen's Compensation Program
  - Exhibit K: Undated Bodily Injury Claims – TIC's Relationship with JM 1947-1981
  - Exhibit L: December 21, 1966 Letter to Mr. Jack C. Elee, Assistant Vice President of Marsh & McLennan from George W. Hatch, Assistant Secretary of Casualty-Property Chair Department regarding November 1, 1966 meeting discussing claims that cancer allegedly is caused by exposure to asbestos



- Exhibit M: December 1, 1966 Memorandum regarding Johns-Manville Corporation and a meeting on November 1, 1966 for the purpose of discussing Cancer as a result of exposure to asbestos
  - Exhibit N: August 29, 1966 Letter to Mr. Harold L. Scheideman, Secretary at The Travelers from Fred Olson, Marsh & McLennan regarding Johns-Manville Corp. and death by cancer of the colon by long exposure to asbestos, and October 31, 1966 Memorandum from David E. Kash, Superintendent of Engineering Division regarding Johns-Manville Corporation Meeting November 1, 1966
  - Exhibit O: Undated Asbestos Compensation and Liability
  - Exhibit P: Complaint in *Wise v. Travelers Indemnity Co.*
  - Exhibit Q: Amended Petition in *Darden v. Combustion Engineering*
143. Declaration of Frederick Dunbar, dated July 1, 2004 (Docket No. 3686)
- Exhibit A: Expert report of Fredrick C. Dunbar, Ph.D (with exhibits), dated April 30, 2004
144. Declaration of David T. Austern, dated July 1, 2004 (Docket No. 3687)
- Exhibit 1: 2002 TDP Proof of Claim Form (Manville Claim Form)
  - Exhibit 2: Chart of Certification Results by Law Firm as of April 27, 2004
145. Declaration of David T. Austern, dated July 1, 2004 (Docket No. 3688)
- Exhibit 1: 2002 TDP Proof of Claim form (Manville Claim Form)
  - Exhibit 2: Forms of Release In Use by the Trust
146. Declaration of Jeanne C. Finegan, APR, dated July 1, 2004 (Docket No. 3689)
- Exhibit A: Biography of Jeanne C. Finegan, APR
  - Exhibit B: Sworn testimony given by Jeanne C. Finegan
  - Exhibit C: Statutory Print Media Notice: State-by-State Report in Targeted States
  - Exhibit D: Statutory Print Media Notice: State-by-State Report in Remaining States
  - Exhibit E: Statutory Print Media Notice: Page and Position Report / Proof of Publication



- Exhibit F: Common Law Print Media Notice: Page and Position Report / Proof of Publication
  - Exhibit G: Common Law Print Media Notice: State-by-State Report
  - Exhibit H: Hawaii Print Media Notice: Page and Position Report / Proof of Publication
  - Exhibit I: Hawaii Print Media Notice: Detailed Publication Report
147. Declaration of Larry Laskiewicz, dated July 1, 2004 (Docket No. 3690)
- Exhibit A: Notice Packet Sent to Pro Se Affected Claimants for Statutory Settlement
  - Exhibit B: Report prepared by the Wachovia Call Center listing 1,133 callers
  - Exhibit C: Notice Package sent to Affected Claimants
  - Exhibit D: Report prepared by the Wachovia Call Center listing 22,935 callers
  - Exhibit E: List of the documents available on the website
  - Exhibit F: List of the registered visitors to the website
148. Declaration of James R. Prutsman, dated July 1, 2004 (Docket No. 3691)
- Exhibit A: Statutory Notice Package sent to Affected Claimants Counsel on March 29, 2004
  - Exhibit B: Notice Packet Sent to Pro Se Affected Claimants for Statutory Settlement
  - Exhibit C: Cover Letter sent to Unreported Affected Claimants for Statutory Settlement
  - Exhibit D: Cover Letter sent to Affected Claimants' Counsel
  - Exhibit E: Cover Letter sent to Unreported Affected Claimants for Common Law Settlement
  - Exhibit F: PDC mailed notice in the form 11 pro se claimants in Hawaii
  - Exhibit G: PDC mailed notice to the 31 unrepresented claimants in Hawaii
149. Declaration of Albert H. Parnell, Esq., dated July 1, 2004 (Docket No. 3692)

- Exhibit A: Travelers Insurance Company Defense Conference Agenda (March 23-26, 1980)
  - Exhibit B: May 1980 Asbestos Litigation Seminar, J-M World Headquarters
  - Exhibit C: Mark Lanier, *Conspiracy Theory: Putting New Defendants in Manville's Chair*
  - Exhibit D: Excerpts from Master Exhibit List Filed by Motley, Rice Firm in *In re Asbestos Personal Injury Litigation*, No. 03-C-9600 (Kanawha Cty. Circuit Ct., West Virginia)
150. Declaration of George Priest, dated July 1, 2004 (Docket No. 3693)
- Exhibit A: Complaint in *Wise v. Travelers Indemnity Co.*
  - Exhibit B: Complaint in *Agnes Cashman v. Travelers Indemnity Co.*
  - Exhibit C: Letter dated November 21, 2001 from Michael P. Thornton on behalf of Agnes Cashman to Travelers Indemnity Co. (93A Letter)
  - Exhibit D: *Charles Gilchrist, et al. v. American Standard Inc.*, et al. No. 03-508628 (Ct. of Common Pleas, Cuyahoga County, Ohio)
151. Objection to Motion to Approve The Common Law Direct Action Settlement Agreement, dated June 28, 2004 (Docket No. 3694)
152. Amended Exhibit List Of Travelers For The Joint Hearing On Motions To: (I) Approve Settlement Of Statutory Direct Action Claims; (II) Approve Settlement Of Common Law Direct Action Claims; (III) Approve Hawaii Direct Action Settlement Agreement; And (IV) Entry Of Clarifying Order, dated July 2, 2004 (Docket No. 3695)
153. Motion in Limine of Various Asbestos Personal Injury Claimants, dated July 2, 2004 (Docket No. 3696)
154. Mediator's Final Report, dated July 2, 2004 (Docket No. 3697)
155. Joint Motion to Approve Donald E. Ward as Administrator of Common Law Direct Action Settlement Fund, dated July 1, 2004 (Docket No. 3701)
156. Affidavit in support of the Joint Application of Travelers and Common Law Settlement Counsel for the Approval of Donald E. Ward as Administrator of Common Law Direct Action Settlement Fund, dated June 30, 2004 (Docket No. 3702)
157. Response to Objections to Travelers Motion to Approve The Common Law Direct Action Settlement Agreement, dated July 2, 2004 (Docket No. 3703)

158. Letter to the Honorable Burton R. Lifland, dated July 14, 2004 (Docket No. 3707)
159. Proposed Findings of Fact and Conclusions of Law in Support of Chubb's Limited Objection to Travelers Motion to Approve the Common Law Direct Action Settlement Agreement, dated July 15, 2004 (Docket No. 3708)
160. Proposed Findings of Fact and Conclusions of Law by Century Indemnity Company in Support of its Objections to Statutory, Common Law, and Hawaii Direct Action Settlement Agreements, dated July 15, 2004 (Docket No. 3709)
161. Proposed Findings of Fact and Conclusions of Law by Continental Casualty Company, dated July 15, 2004 (Docket No. 3711)
162. Transcript of hearing held November 19, 2003 (Docket No. 3713)
163. Proposed Findings of Fact and Conclusions of Law by Cascino Asbestos Claimants, dated July 15, 2004 (Docket No. 3714)
164. Motion to Reconsider Exclusion of Witnesses, dated July 15, 2004 (Docket No. 3715)
165. Motion to Offer Proof Pursuant to Rules 1 and 103, dated July 15, 2004 (Docket No. 3716)
166. Proposed Findings of Fact and Conclusions of Law With Regard to Request to Clarify Orders by Beneficiaries of the Manville Personal Injury Settlement Trust, dated July 15, 2004 (Docket No. 3718)
167. Proposed Findings of Fact and Conclusions of Law With Regard to Request to Approve Common Law Settlement, dated July 15, 2004 (Docket No. 3719)
168. Proposed Findings of Fact and Conclusions of Law With Regard to Request to Approve Statutory and Hawaii Settlements, dated July 15, 2004 (Docket No. 3720)
169. Letter to the Hon. Burton R. Lifland Regarding Proposed Findings and Conclusions, dated July 15, 2004 (Docket No. 3721)
170. Proposed Findings of Fact and Conclusions of Law of the Statutory Direct Action Plaintiffs and the Hawaii Plaintiffs with regard to the Statutory and Hawaii Settlements, dated July 15, 2004 (Docket No. 3722)
171. Proposed Findings of Fact and Conclusions of Law of the Statutory Direct Action Plaintiffs with regard to the Common Law Settlement, dated July 15, 2004 (Docket No. 3723)
172. Proposed Findings of Fact and Conclusions of Law of Barbara A. Prater, Individually and as Personal Representative of the Heirs and Estate of James Prater, dated July 15, 2004 (Docket No. 3724)

173. Proposed Findings of Fact and Conclusions of Law Regarding Travelers Motions For Approval Of Certain Settlement Agreements And For Entry Of A Clarifying Order, dated July 15, 2004 (Docket No. 3725)
174. Letter to the Honorable Burton R. Lifland, dated July 19, 2004 (Docket No. 3726)
175. Memorandum of Law of the Statutory Direct Action Plaintiffs and the Hawaii Plaintiffs in Support of Separate Orders Approving the Statutory Direct Action Settlement, the Hawaii Settlement and the Common Law Settlement, dated July 19, 2004 (Docket No. 3727)
176. Letter to the Hon. Burton R. Lifland, dated July 20, 2004 (Docket No. 3728)
177. Letter Regarding Proposed Orders In Travelers Settlements, dated July 20, 2004 (Docket No. 3729)
178. Transcript of Hearing held July 6, 2004 (Docket No. 3730)
179. Reply to Statutory Direct Action Plaintiffs' and Hawaii Plaintiffs' Memorandum of Law, dated July 22, 2004 (Docket No. 3732)
180. Omnibus Reply and Limited Objection to Certain Proposed Findings of Fact and Conclusions of Law (with exhibits), dated July 22, 2004 (Docket No. 3733)
181. Travelers Post-Trial Reply Brief In Further Support Of Its Proposed Findings Of Fact And Conclusions Of Law And In Opposition To Statutory Direct Action Plaintiffs' And Hawaii Direct Action Plaintiffs' Memorandum Of Law In Support Of Separate Orders, dated July 22, 2004 (Docket No. 3734)
182. Proposed Findings of Fact and Conclusions of Law of OneBeacon America Insurance Company, dated July 14, 2004 (Docket No. 3735)
183. Post-Hearing Memorandum of Law in support of OneBeacon's Objections to Travelers Motion to Enforce Hawaiian Direct Action Settlement, the Statutory Direct Action Settlement and Common Law Direct Action Settlement and in further support of OneBeacon's Proposed Findings of Fact and Conclusions of Law, dated July 14, 2004 (Docket No. 3736)
184. Opposition of Travelers To The Cascino Asbestos Claimants Motion To Reconsider Exclusion Of Witnesses And Motion To Offer Proof (with exhibits), dated July 23, 2004 (Docket No. 3737)
185. Objection To And Motion To Strike Late Filed Supplemental Affidavit Of Bruce Carter In Support Of Common Law Settlement (with exhibit), dated July 26, 2004 (Docket No. 3739)

186. Response of the Selected Counsel for the Beneficiaries and the Legal Representative to Travelers Post-Trial Reply Brief in Further Support of its Proposed Findings of Fact and Conclusions of Law, dated July 27, 2004 (Docket No. 3740)
187. Reply by Cascino Asbestos Claimants to Travelers Response to Cascino Asbestos Claimants' Motion Pursuant to Rules 1 and 103, dated July 28, 2004 (Docket No. 3741)
188. Reply to Travelers Opposition to Motion to Reconsider Exclusion of Witnesses, dated July 28, 2004 (Docket No. 3742)
189. Statement In Support Of The Cascino Asbestos Claimants' Motion To Offer Proof, dated July 29, 2004 (Docket No. 3743)
190. Letter to the Hon. Burton R. Lifland, dated August 16, 2004 (Docket No. 3746)
191. Letter to the Hon. Burton R. Lifland, dated August 16, 2004 (Docket No. 3747)
192. Letter to the Hon. Burton R. Lifland, dated August 16, 2004 (Docket No. 3748)
193. Minute Order signed on August 17, 2004 (Docket No. 3749)
194. Findings of Fact and Conclusions of Law Regarding Travelers Motions for Approval of Certain Settlement Agreements and for Entry of a Clarifying Order, dated August 17, 2004 (Docket No. 3750)
195. Order Approving Settlement of the Statutory, Hawaii and Common Law Direct Actions and Clarifying Confirmation Order, Including Insurance Settlement Order and Channeling Injunction, dated August 17, 2004 (Docket No. 3751)
196. So Ordered Stipulation Regarding Hawaii Direct Action Settlement and Statutory Direct Action Settlement, dated August 17, 2004 (Docket No. 3752)
197. So Ordered Stipulation with Century Indemnity Company Regarding Common Law Direct Action Settlement, dated August 17, 2004 (Docket No. 3753)
198. Transcript of Hearing held August 17, 2004 (Docket No. 3756)
199. Notice of Appeal, dated August 27, 2004 (Docket No. 3757)
200. Motion for Reargument, dated August 27, 2004 (Docket No. 3758)
201. Notice of Appeal by Continental Casualty Company, dated August 27, 2004 (Docket No. 3759)
202. Notice of Appeal by OneBeacon, dated August 27, 2004 (Docket No. 3760)
203. Notice of Appeal, dated September 2, 2004 (Docket No. 3761)

204. Appellant's Designation of Record, dated September 7, 2004 (Docket No. 3763)
205. Appellant's Statement of Issues on Appeal, dated September 7, 2004 (Docket No. 3764)
206. Designation of Record on Appeal, dated September 7, 2004 (Docket No. 3765)
207. Response to Rule 59 Motion, dated September 8, 2004 (Docket No. 3767)
208. Appellant's Designation of Record, dated September 10, 2004 (Docket No. 3769)
209. Appellant's Statement of Issues on Appeal, dated September 10, 2004 (Docket No. 3770)
210. Appellant's Designation of Record, dated September 14, 2004 (Docket No. 3772)
211. Appellant's Statement of Issues on Appeal, dated September 14, 2004 (Docket No. 3773)
212. Decision and Order Denying Claimants' Rule 59 Motion, dated September 16, 2004 (Docket No. 3775)